

AUG 20 2012

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOSEPH M. VERDI,) CASE NO. 7:12CV00343
Petitioner,)
vs.) FINAL ORDER
COMMONWEALTH OF VIRGINIA,) By: James C. Turk
Respondent.) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, for failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 30th day of August, 2012.

James C. Turk
Senior United States District Judge